

Instructions for Form 941X

VISION DRAFT (6/11/2008)

Adjusted Employer's QUARTERLY Federal Tax Return or Claim for Refund

Department of the Treasury
Internal Revenue Service

What's New?

New form. The Internal Revenue Service (IRS) has developed Form 941X, Adjusted Employer's QUARTERLY Federal Tax Return or Claim for Refund, to replace Form 941c, Supporting Statement to Correct Information. And instead of Form 843, Claim for Refund or Request for Abatement, use Form 941X when requesting a refund or abatement of overreported employment taxes. **Do not attach Form 941X to your Form 941; file Form 941X separately.** However, continue to use Form 843 when requesting a refund or abatement of assessed interest or penalties.

We believe you will find Form 941X and its instructions easier to understand and fill out. At the same time, the new form will enable the IRS to make corrections to employment taxes more accurately and efficiently. Please read both the form and these instructions carefully to become familiar with the many changes.

Background. New Treasury regulations have changed the process for adjusting employment taxes reported on Form 941, Employer's QUARTERLY Federal Tax Return, and for filing a claim for refund of employment taxes. You will use the revised interest-free adjustment process if you underreported employment taxes and are making a payment, or if you overreported employment taxes and will be applying the credit to the Form 941 period during which you file Form 941X. (However, see the CAUTION on page 2.) You will use the revised claim process if you overreported employment taxes and are requesting a refund or abatement of the overreported amount.

References to Form 941 on Form 941X and in these instructions also apply to Form 941-SS, Employer's QUARTERLY Federal Tax Return, unless otherwise noted. We use the terms "correct" and "corrections" on Form 941X and in these instructions to include interest-free adjustments under sections 6205 and 6413 of the Internal Revenue Code.

If you have comments or suggestions for improving Form 941X or these instructions, we would be happy to hear from you. Write to the address shown in the *Privacy Act and Paperwork Reduction Act Notice* on page 11.

New process for correcting employment taxes. After December 31, 2008, when you discover an error on a previously filed Form 941, you **must**:

- correct that error using Form 941X,
- file a separate Form 941X for each Form 941 that you are correcting, and

- file Form 941X separately. **DO NOT** file Form 941X with Form 941.

Beginning with the first quarter of 2009, Form 941 will no longer provide adjustment lines (formerly lines 7d through 7g) for correcting prior quarter errors. However, continue to report current quarter adjustments for fractions of cents, third-party sick pay, tips, and group-term life insurance on Form 941 using lines 7a through 7c.

Report the correction of underreported and overreported amounts for the same tax period on a single Form 941X, unless you are requesting a refund. If you are requesting a refund and are correcting both underreported and overreported amounts, file one Form 941X correcting the underreported amounts only and a second Form 941X correcting the overreported amounts.

CAUTION: Do not use Form 941X to correct Forms CT-1, 943, 944, 944-SS, or Form 945. Instead, use the "X" form that corresponds to the return you are correcting (Form CT-1X, 943X, 944X, or Form 945X).

General Instructions: Understanding Form 941X

What Is the Purpose of Form 941X?

Use Form 941X to correct errors on a Form 941 that you previously filed. Use Form 941X to correct:

- wages, tips, and other compensation;
- income tax withheld from wages, tips, and other compensation;
- taxable social security wages;
- taxable social security tips;
- taxable Medicare wages and tips; and
- advance earned income credit (EIC) payments made to employees.

Use a separate Form 941X for each quarter that you are correcting. If you did not file a Form 941 for one or more quarters, **do not** use Form 941X. Instead, file Form 941 for each of those quarters. See also *When Should You File Form 941X?* on page 2.

Note. If you did not file Forms 941 because you improperly treated workers as subcontractors or nonemployees and are now

reclassifying them as employees, see the instructions for line 19 on page 10.

You have additional requirements to complete when filing Form 941X, such as certifying that you filed (or will file) all applicable Forms W-2 and Forms W-2c. For corrections of overreported federal income tax, social security or Medicare tax, you must make any certifications that apply to your situation.

Be sure to give us a detailed explanation on line 20 for each correction that you show on Form 941X.

Where Can You Get Help?

For help filing Form 941X or for questions about federal employment taxes and tax corrections, you can:

- call the IRS toll-free at 1-800-829-4933 (TTY/TDD for the hearing impaired at 1-800-829-4059),
- visit the IRS website at www.irs.gov/businesses and click on "Employment Taxes," or
- get Pub. 15 (Circular E), Employer's Tax Guide. If you are correcting Form 941-SS, get Pub. 80 (Circular SS) instead.

When Should You File Form 941X?

File Form 941X when you discover an error on a previously filed Form 941.

However, if your only errors on Form 941 relate to the number of employees who received wages or to federal tax liabilities reported in Part 2 of Form 941 or on Schedule B (Form 941), do not file Form 941X. For more information about correcting federal tax liabilities reported on Schedule B (Form 941), see the Instructions for Schedule B (Form 941).

Due dates. The due date for filing Form 941X depends on when you discover an error and if you underreported or overreported tax.

Underreported Tax—Due Date for Correcting Error

<u>If you discover an error in...</u>	<u>Form 941X is due...</u>
1. January, February, March	April 30
2. April, May, June	July 31
3. July, August, September	October 31
4. October, November, December	January 31

Note. The dates shown in the table above apply only to corrections of underreported amounts. If you are correcting overreported amounts, see *Overreported tax—credit* and *Overreported tax—claim for refund* below.

Underreported tax. If you owe tax, file Form 941X and pay the amount you owe when you file. Doing so will generally ensure that your correction is interest free and not subject to failure-to-pay or failure-to-deposit penalties.

Example—You owe tax:

On February 11, 2009, you discover that you underreported \$10,000 of social security and Medicare wages on your 2008

fourth quarter Form 941. File Form 941X and pay the amount you owe by April 30, 2009 because you discovered the error in the first quarter of 2009 and April 30, 2009 is the due date for that quarter. If you file Form 941X before April 30, pay the amount you owe when you file.

Overreported tax—credit. If you overreported tax and choose to apply the credit on Form 941, file Form 941X soon after you discovered the error but more than 90 days before the period of limitations for correcting the Form 941 expires. See *Is There a Deadline for Filing Form 941X?* below.

Example—You want your credit applied to Form 941:

On May 1, 2009, you discover that you overreported tax on your 2008 fourth quarter Form 941. You file Form 941X by May 30, 2009 because you know that IRS may be unable to timely process a credit requested in the last month of a quarter. (See the TIP on page 4.) IRS treats your credit as a tax deposit made on April 1, 2009. When you file your 2009 second quarter Form 941, include the amount from line 17 of Form 941X on line 11 ("Total deposits") of that Form 941.

Overreported tax—claim for refund. If you overreported tax, you may choose to file a claim for refund on Form 941X. (If you need to correct **any** underreported amounts, you must file another Form 941X reporting only corrections to the underreported amounts.) You will be refunded the overreported tax plus interest if IRS approves your claim. However, see *Is There a Deadline for Filing Form 941X?* below.

TIP: If you discovered an error on or before December 31, 2008 but did not report it as a line adjustment on Form 941 for any quarter ended before 2009 and did not file a refund claim (Form 843), you may use Form 941X to correct the error. File Form 941X for the quarter in which you made the error.

Is There a Deadline for Filing Form 941X?

Generally, you may correct overreported taxes on a previously filed Form 941 within 3 years of the date Form 941 was filed or 2 years from the date you paid the tax reported on Form 941, whichever is later. You may correct underreported taxes on a previously filed Form 941 within 3 years of the date the Form 941 was filed. We call this timeframe the "period of limitations." For purposes of the period of limitations, all 4 quarters of Form 941 that you filed on time for a calendar year are deemed to have been filed on April 15 of the next calendar year.

Example:

You filed your 2007 second quarter Form 941 on July 27, 2007. (IRS treats the return as if it were filed on April 15, 2008.) On January 10, 2011, you discover that you overreported social security and Medicare wages on that form by \$10,000. To correct the error, you must file Form 941X by April 15, 2011 which is the end of the period of limitations.

CAUTION: If you file Form 941X to correct overreported amounts in the last 90 days of a period of limitations (after January 15, 2011 in the example above), you must use the claim for refund process. You cannot use the adjustment process. If you are also correcting underreported amounts, you must use the

adjustment process to file another Form 941X reporting the underreported amounts only and pay any tax due.

Where Should You File Form 941X?

Send your completed Form 941X to the Internal Revenue Service Center shown below.

IF you are in...	THEN use this address...
Special filing addresses for exempt organizations; federal, state, and local governmental entities; and Indian tribal governmental entities; regardless of location	Department of the Treasury Internal Revenue Service Ogden, UT 84201-0005
Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin	Department of the Treasury Internal Revenue Service Cincinnati, OH 45999-0005
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wyoming	Department of the Treasury Internal Revenue Service Ogden, UT 84201-0005
No legal residence or principal place of business in any state	Internal Revenue Service P.O. Box 409101 Ogden, UT 84409

How Should You Complete Form 941X?

Use One Form 941X for Each Quarter You Are Correcting.

Use a separate Form 941X for each Form 941 that you are correcting. For example, if you found errors on your Forms 941 for the third and fourth quarters of 2008, file one Form 941X to correct the 2008 third quarter Form 941. File a second Form 941X to correct the 2008 fourth quarter Form 941.

EIN, Name, and Address

Enter your EIN, name, and address in the spaces provided. Also enter your name and EIN on the top of pages 2 and 3, and on any attachments. If your address has changed since you filed your Form 941, enter the corrected information and IRS will update your address of record.

Return You Are Correcting

In the box at the top of Form 941X, check the type of return (Form 941 or Form 941-SS) you are correcting. Check the appropriate box for the **one** quarter you are correcting. Enter the calendar year of the Form 941 you are correcting. Enter the quarter and calendar year on pages 2 and 3, and on any attachments.

Enter the Date You Discovered Errors

You **must** enter the date you discovered errors. If you are reporting several errors that you discovered at different times,

enter the earliest date you discovered them here. On line 20 report any subsequent dates and related errors.

Must You Make an Entry on Each Line?

You must provide all of the information requested at the top of page 1 of Form 941X. You must check one box (but not both) in Part 1. You must check the box on line 3 and any applicable boxes on lines 4 and 5. Enter your name, EIN, and tax period at the top of pages 2, 3, and on any attachments. In Part 3, if any line does not apply, leave it blank. Complete Parts 4 and 5 as instructed.

How Should You Report Negative Amounts?

Form 941X uses negative numbers to show reductions in tax (credits) and positive numbers to show additional tax (amounts you owe).

When reporting a negative amount in columns 3 and 4, use a minus sign instead of parentheses. For example, enter “-10.59” instead of “(10.59).” However, if you are completing the return on your computer and your software only allows you to use parentheses to report negative amounts, you may use them.

How Should You Make Entries on Form 941X?

You can help IRS process Form 941X timely and accurately if you follow these guidelines.

- Type or print your entries.
- Use Courier font (if possible) for all typed or computer-generated entries.
- Omit dollar signs. You may use commas and decimal points, if desired. Enter dollar amounts to the left of any preprinted decimal point and cents to the right of it.
- Always show an amount for cents. Do not round entries to whole dollars.
- Complete all three pages and sign Form 941X.
- Give us a detailed explanation on line 20 for all corrections.
- Staple multiple sheets in the upper-left corner.

Overview of the New Processes

The new processes for adjusting Form 941 or filing a claim for refund are outlined below.

If you underreported the tax. If you underreported the tax on a previously filed Form 941, check the box on line 1 and **pay** any additional amount you owe when you file Form 941X. You must pay the amount you owe on each Form 941X separately. You **may not** use any credit that you show on another Form 941X to pay for the amount you owe, even if you filed for the amount you owe and the credit at the same time.

Example—You underreported employment taxes:

On June 20, 2009, you discover an error that results in additional tax on your 2008 fourth quarter Form 941. File Form 941X by July 31, 2009 and pay the amount you owe when you file. See *When Should You File Form 941X?* on page 2. For details on how to make a payment, see the instructions for line 17 on page 9. **Do not** attach Form 941X to your 2009 second quarter Form 941.

If you overreported the tax. If you overreported the tax on a previously filed Form 941, you may **choose** to:

- check the box on line 1 to apply any credit (negative amount) from line 17 to Form 941 for the quarter during which you file Form 941X, or
- check the box on line 2 to file a claim on Form 941X requesting a refund of the amount shown on line 17.

TIP: To ensure that the IRS has enough time to process a credit for an **overreporting adjustment** in the quarter during which you file Form 941X, you are encouraged to file Form 941X correcting the overreported amount in the first two months of a quarter. For example, if you discover an overreported amount in March, June, September, or December, you may want to file Form 941X in the first two months of the next quarter. This should ensure that the IRS will have enough time to process the Form 941X so that the credit will be posted before you file Form 941, thus avoiding an erroneous balance due notice from the IRS. See the example below. (If you currently file Form 944 instead of Form 941 and will claim a credit on Form 944, file Form 941X before December.)

Example—You want your overreported tax applied as a credit to Form 941:

On June 22, 2009, you discover you overreported your tax on your 2008 fourth quarter Form 941. You choose to apply the overreported tax as a credit on your 2009 third quarter Form 941 to allow IRS enough time to process it. You file Form 941X on July 6, 2009. Include the credit from line 17 of Form 941X on line 11 (“Total deposits”) of your 2009 third quarter Form 941. Your credit will count as a tax deposit made on July 1, 2009, the first day of the 2009 third quarter. **Do not** attach Form 941X to your 2009 third quarter Form 941.

Previously assessed FTD penalty. If the IRS previously assessed a failure-to-deposit (FTD) penalty on your 2008 fourth quarter Form 941, you may be able to reduce the penalty. For more information, see the Instructions for Schedule B (Form 941), Report of Tax Liability for Semiweekly Schedule Depositors.

Specific Instructions:

Part 1: Select **ONLY** one.

Because Form 941X may be used to file either an adjusted employment tax return or a claim for refund of employment taxes, you **must** check one box in either line 1 or line 2. Do not check both boxes.

1. Adjusted employment tax return.

Check the box on line 1 if you are correcting underreported amounts or overreported amounts and you would like to use the adjustment process.

If you are correcting both underreported amounts and overreported amounts on this form, you **must** check this box. If you check this box, any negative amount shown on line 17 will

be applied as a credit (tax deposit) on your Form 941, 941-SS, 944 or Form 944-SS for the period in which you are filing this form. See *Example—You want your overreported tax applied as a credit to Form 941* above.

If you owe tax. Pay the amount shown on line 17 when you file Form 941X. Generally, you will not be charged interest if you file on time, pay on time, and enter the date you discovered errors.

If you have a credit. You overreported employment taxes (you have a negative amount on line 17) and want IRS to apply the credit on Form 941 or Form 944 for the period during which you filed Form 941X. IRS will apply your credit on the first day of the Form 941 or Form 944 period during which you filed Form 941X. However, the credit you show on line 17 of Form 941X may not be fully available on your Form 941 or Form 944 if IRS corrects it during processing or you owe other taxes, penalties, or interest. IRS will notify you if your claimed credit changes or if the amount available as a credit on Form 941 or Form 944 was reduced because of unpaid taxes, penalties, or interest.

CAUTION: To allow enough time for IRS to process your credit, consider filing Form 941X only in the first two months of a quarter. See the TIP on page 2. (For credits applied to Form 944, file Form 941X before December.) Do not check the box on line 1 if you are correcting overreported amounts and the period of limitations for changes to Form 941 will expire within 90 days of the date you file Form 941X. Instead, check the box on line 2. See *Is There a Deadline for Filing Form 941X?* on page 2.

2. Claim for refund of employment taxes

Check the box on line 2 if you are correcting overreported amounts only and you are claiming a refund or abatement for the negative amount (credit) shown on line 17. Do not check this box if you are correcting ANY underreported amounts on this form.

You must check the box on line 2 if you have a credit and the period of limitations for changes to Form 941 will expire within 90 days of the date you file Form 941X. See *Is There a Deadline for Filing Form 941X?* on page 2.

Unless IRS corrects Form 941X during processing or you owe other taxes, penalties, or interest, IRS will refund the amount shown on line 17, plus any interest that applies.

IRS usually processes claims shortly after they are filed. IRS will notify you if your claim is denied, accepted as filed, or selected to be examined. Get Publication 556, Examination of Returns, Appeal Rights, and Claims for Refund, for more information.

Part 2: Complete the Certifications

You must complete all certifications that apply by checking the appropriate boxes. If all of your corrections relate to underreported amounts, complete line 3 only; skip lines 4 and 5 and go to Part 3.

3. Filing Forms W-2 or Forms W-2c

Check the box on line 3 to certify that you filed or will file Forms W-2 or Forms W-2c, whichever is appropriate, showing your employees' correct wage and tax amounts. See the Instructions for Forms W-2 and W-3 and the Instructions for Forms W-2c and W-3c for detailed information about filing requirements. References to Form W-2 on Form 941X and in these instructions also apply to Forms W-2AS, W-2CM, W-2GU, and W-2VI unless otherwise noted.

You must check the box on line 3 to certify that you filed Forms W-2 or Forms W-2c even if your corrections on Form 941X do not change amounts shown on those forms. For example, if your only correction to Form 941 involves misstated tax adjustments (see the instructions for line 11), check the box on line 3 to certify that you already filed all required Forms W-2 and W-2c.

4. Certifying Overreporting Adjustments

If you overreported federal income tax, social security tax, or Medicare tax and checked the box on line 1, check the appropriate box on line 4. You may need to check more than one box.

4a. Check the box on line 4a if your overreported amount includes each affected employee's share of overcollected taxes. You are certifying that you repaid or reimbursed the employee's share of current and prior year taxes and you received written statements from the employees stating that they did not and will not receive a refund or credit for the prior year taxes. You are certifying that you adjusted federal income tax withheld from employees for the current calendar year only.

Example. The following is an example of the written statement that is required from employees.

Employee name _____
Employer name _____
I have received a repayment of \$_____ as overcollected social security and Medicare taxes for 20____. I have not claimed a refund of or credit for the overcollected taxes from IRS, or if I did, that claim has been rejected; and I will not claim a refund or a credit of the amount.
Employee signature _____
Date _____

Do not send these statements to IRS. Keep them for your records.

4b. Check the box on line 4b to certify that your overreported amount is only for the employer share of taxes on those employees who you were unable to find or those who would not (or could not) give you a statement described on line 4a.

4c. Check the box on line 4c to certify that your overreported amount is only for federal income tax, social security tax, and Medicare tax that you did not withhold from your employees.

5. Certifying Refund Claims

If you are filing a claim for refund or abatement of overreported federal income tax, social security tax, or Medicare tax and checked the box on line 2, check the appropriate box on line 5. You may need to check more than one box. You may not file a refund claim to correct federal income tax withheld from employees.

5a. Check the box on line 5a if your overreported tax includes each affected employee's share of social security and Medicare tax. You are certifying that you repaid or reimbursed to the employees their share of current and prior year social security and Medicare tax and you received written statements from those employees stating that they did not and will not receive a refund or credit for the prior year taxes.

5b. Check the box on line 5b if your overreported tax includes each affected employee's share of social security and Medicare tax. You may check this box even if you have not yet repaid or reimbursed the employee share of taxes. You are certifying that you received consent from each affected employee to file a claim for refund on the employee share of those taxes and you received written statements from those employees stating that they did not and will not receive a refund or credit for the prior year taxes.

Example. The following is an example of the consent and written statement that is required from employees when you are filing a claim for refund and have **not yet repaid or reimbursed** the employee share of taxes.

Employee name _____
Employer name _____
I give my consent to have my employer (named above) file a claim on my behalf with IRS requesting \$_____ in overcollected social security and Medicare taxes for 20____. I have not claimed a refund of or credit for the overcollected taxes from IRS, or if I did, that claim has been rejected; and I will not claim a refund or a credit of the amount.
Employee signature _____
Date _____

Do not send these statements to IRS. Keep them for your records.

5c. Check the box on line 5c to certify that your overreported tax is only for the employer share of social security and Medicare tax. Affected employees did not give you consent to file a claim for refund for the employee share of social security and Medicare tax, they could not be found, or would not (or could not) give you a statement described on line 5b.

5d. Check the box on line 5d to certify that your overreported amount is only for federal income tax, social security tax, and Medicare tax that you did not withhold from your employees.

Part 3: Enter the Corrections for This Quarter.

What Amounts Should You Report in Part 3?

In columns 1 and 2 of lines 6 through 10, show amounts for **all** of your employees, not just for those employees whose amounts you are correcting.

If a correction that you report in column 4 was caused by offsetting errors (see the instructions for line 18), give us details for each error on line 20.

Because special circumstances apply for lines 11 through 14 and 16, read the instructions for each line carefully before entering amounts in the columns.

CAUTION: If you previously adjusted or amended Form 941 using Form 941c, Form 941X, Form 843, an “amended” Form 941, or by filing a “supplemental” Form 941, show amounts in column 2 that include those previously reported corrections.

6. Wages, tips, and other compensation

If you are correcting the wages, tips, and other compensation you reported on line 2 of Form 941, enter the total corrected amount for ALL employees in column 1. In column 2, enter the amount you originally reported. In column 3, enter the difference between columns 1 and 2. This line does not apply to Form 941-SS.

If you previously corrected the amount reported on line 2 of Form 941, enter in column 2 the amount after any previous corrections.

line 6 (column 1)
~~line 6 (column 2)~~
 line 6 (column 3) If the amount in column 2 is larger than the amount in column 1, use a minus sign in column 3.

Example —Wages, tips, and other compensation increased

You reported \$9,000 as total wages, tips, and other compensation on line 2 of your third quarter 2008 Form 941. In July of 2009, you discovered that you had overlooked \$1,000 in tips for one of your part-time employees. To correct the error, figure the difference on Form 941X as shown.

Column 1 (corrected amount)	10,000.00
Column 2 (from line 2 of Form 941)	9,000.00
Column 3 (difference)	1,000.00

Example —Wages, tips, and other compensation decreased

You reported \$9,000 as wages, tips, and other compensation on line 2 of your fourth quarter 2008 Form 941. In December of 2009, you discovered that you included \$2,000 in wages for one of your employees twice. To correct the error, figure the difference on Form 941X as shown.

Column 1 (corrected amount)	7,000.00
Column 2 (from line 2 of Form 941)	9,000.00
Column 3 (difference)	-2,000.00

Example—Auto allowance; wages, tips, and other compensation increased

You paid one of your employees a \$500 monthly auto allowance from October through December 2008 and did not treat the payments as taxable wages. However, in February 2009, you realized that the payments were wages because they were not reimbursements of deductible business expenses that were substantiated and paid under an accountable plan. Therefore, you must correct the error and treat the auto allowance as wages subject to income, social security, and Medicare taxes. Use

Form 941X to report the additional \$1,500 of wages on line 6 and any underreported amounts on lines 8 and 10.

TIP: For line 6 of Form 941X only, there is no entry in column 4. Instead, use the amount in column 1 when you prepare your Forms W-2 or Forms W-2c.

7. Income tax withheld from wages, tips, and other compensation

If you are correcting the federal income tax withheld from wages, tips, and other compensation you reported on line 3 of Form 941, enter the total corrected amount in column 1. In column 2, enter the amount you originally reported or as previously corrected. In column 3, enter the difference between columns 1 and 2. This line does not apply to Form 941-SS.

line 7 (column 1)
~~line 7 (column 2)~~
 line 7 (column 3) If the amount in column 2 is larger than the amount in column 1, use a minus sign in column 3.

Copy the amount in column 3 to column 4. Include any minus sign shown in column 3.

CAUTION: Generally, you may correct federal income tax withholding errors **only** for the current calendar year. However, you may correct federal income tax withholding errors for prior years if the amounts shown on Form 941 do not agree with the amounts you actually withheld, that is, an administrative error. See section 13 of Pub. 15 (Circular E) for more information about corrections during the calendar year and about administrative errors.

Example—Failure to withhold income tax when required

You were required to withhold \$400 of federal income tax from a new employee’s pay in December of 2008 but withheld nothing. You discovered the error on March 15, 2009. You cannot file Form 941X to correct your fourth quarter Form 941 because the error involves a previous year and the amount previously reported for the new employee (zero) represents the actual amount withheld from the new employee during 2008.

Example—Administrative error reporting income tax

You had three employees. In the fourth quarter of 2008, you withheld \$1,000 of federal income tax from employee A, \$2,000 from employee B, and \$6,000 from employee C. The total amount of federal income tax you withheld was \$9,000. You mistakenly reported \$6,000 on line 3 of your 2008 fourth quarter Form 941. You discovered the error on March 16, 2009. This is an example of an administrative error that may be corrected in a later calendar year because the amount actually withheld from employees’ wages differs from the amount reported on Form 941. Use Form 941X to correct the error. Enter \$9,000 in column 1 and \$6,000 in column 2. Subtract the amount in column 2 from the amount in column 1.

Column 1 (corrected amount)	9,000.00
Column 2 (from line 3 of Form 941)	6,000.00
Column 3 (difference)	3,000.00

Report the 3,000.00 as a tax correction in column 4.

Be sure to explain the reasons for this correction on line 20.

8. Taxable social security wages

If you are correcting the taxable social security wages you reported on line 5a, column 1 of Form 941, enter the total corrected amount in column 1. In column 2, enter the amount you originally reported or as previously corrected. In column 3, enter the difference between columns 1 and 2.

line 8 (column 1)

-line 8 (column 2)

line 8 (column 3) If the amount in column 2 is larger than the amount in column 1, use a minus sign in column 3.

Multiply the amount in column 3 by .124 (12.4% tax rate) and enter that result in column 4.

line 8 (column 3)

x .124

line 8 (column 4) If the amount in column 3 used a minus sign, also use a minus sign in column 4.

Note. If you are correcting only the employer share of tax on a decrease to social security wages, use .062 (6.2%) when multiplying the amount shown in column 3. If you are correcting both shares of tax for some employees and only the employee share for other employees, enter the properly calculated amount in column 4. Be sure to show your calculations on line 20.

Example—Social security wages decreased

Following *Example—Wages, tips and other compensation decreased* in the instructions for line 6, the wages that you counted twice were also taxable social security wages. To correct the error, figure the difference on Form 941X as shown.

Column 1 (corrected amount)	7,000.00
Column 2 (from line 5a of Form 941) -	<u>9,000.00</u>
Column 3 (difference)	-2,000.00

Use the difference in column 3 to determine your tax correction.

Column 3 (difference)	-2,000.00
Tax rate (12.4%)	<u>x .124</u>
Column 4 (tax correction)	-248.00

Be sure to explain the reasons for this correction on line 20.

9. Taxable social security tips

If you are correcting the taxable social security tips you reported on line 5b, column 1 of Form 941, enter the total corrected amount in column 1. In column 2, enter the amount you originally reported or as previously corrected. In column 3, enter the difference between columns 1 and 2.

line 9 (column 1)

-line 9 (column 2)

line 9 (column 3) If the amount in column 2 is larger than the amount in column 1, use a minus sign in column 3.

Multiply the amount in column 3 by .124 (12.4% tax rate) and report that result in column 4.

line 9 (column 3)

x .124

line 9 (column 4) If the amount in column 3 used a minus sign, also use a minus sign in column 4.

Note. If you are adjusting only the employer share of tax on a decrease to social security tips, use .062 (6.2%) when multiplying the amount shown in column 3. If you are correcting both shares of tax for some employees and only the employee share for other employees, report the properly calculated amount in column 4. Be sure to show your calculations on line 20.

Following the *Example—Wages, tips, and other compensation increased* in the instructions for line 6, the tips that you overlooked were also taxable social security tips. To correct the error, figure the difference on Form 941X as shown.

Column 1 (corrected amount)	10,000.00
Column 2 (from line 5b of Form 941) -	<u>9,000.00</u>
Column 3 (difference)	1,000.00

Use the difference in column 3 to determine your tax correction.

Column 3 (difference)	1,000.00
Tax rate (12.4%)	<u>x .124</u>
Column 4 (tax correction)	124.00

Be sure to explain the reasons for this correction on line 20.

10. Taxable Medicare wages and tips

If you are correcting the taxable Medicare wages and tips you reported on line 5c, column 1 of Form 941, enter the total corrected amount in column 1. In column 2, enter the amount you originally reported or as previously corrected. In column 3, enter the difference between columns 1 and 2.

line 10 (column 1)

-line 10 (column 2)

line 10 (column 3) If the amount in column 2 is larger than the amount in column 1, use a minus sign in column 3.

Multiply the amount in column 3 by .029 (2.9% tax rate) and enter that result in column 4.

line 10 (column 3)

x .029

line 10 (column 4) If the amount in column 3 used a minus sign, also use a minus sign in column 4.

Note. If you are correcting only the employer share of tax on a decrease to Medicare wages and tips, use .0145 (1.45%) when multiplying the amount in column 3. If you are correcting both shares of tax for some employees and only the employee share for other employees, enter the properly calculated amount in column 4. Be sure to explain your calculations on line 20.

Example—Medicare wages and tips decreased

Following *Example—Wages, tips and other compensation decreased* in the instructions for line 6, the wages that you

counted twice were also taxable Medicare wages and tips. To correct the error, figure the difference on Form 941X as shown.

Column 1 (corrected amount)	7,000.00
Column 2 (from line 5c of Form 941) -	<u>9,000.00</u>
Column 3 (difference)	-2,000.00

Use the difference in column 3 to determine your tax correction.

Column 3 (difference)	-2,000.00
Tax rate (2.9%)	<u>x .029</u>
Column 4 (tax correction)	-58.00

Be sure to explain the reasons for this correction on line 20.

11. Tax adjustments

Do not enter an amount on line 11 unless you need to **correct** any adjustments reported on lines 7a through 7c of a previously filed Form 941.

Use line 11 to correct any adjustments shown on lines 7a through 7c. Add the **corrected** amounts on lines 7a through 7c. Enter that total in column 1.

Add the originally reported or previously adjusted amounts from lines 7a through 7c. Enter that total in column 2. In column 3, enter the difference between columns 1 and 2.

line 11 (column 1)
<u>-line 11 (column 2)</u>
line 11 (column 3)

TIP: You may need to report negative numbers in any column. Make sure that the difference you enter in column 3 accurately represents the change to adjustments originally reported or previously corrected on lines 7a through 7c of Form 941.

Copy the amount in column 3 to column 4. Include any minus sign shown in column 3.

On line 20, describe what you misreported on Form 941. Tell us if your adjustment is for fractions of cents, third-party sick pay, tips, or group-term life insurance.

Example—Current quarter's third-party sick pay underreported

You reported \$6,900 (shown as “-6,900.00”) as a third-party sick pay adjustment (reduction to tax) on line 7b of your 2008 second quarter Form 941. You did not report any amounts on lines 7a and 7c. Your third-party sick pay adjustment should have been \$9,600 (shown as “-9,600.00”) because your third-party sick pay payer withheld that amount of social security and Medicare taxes from your employees. You discovered the error in April of 2009. To correct the error, figure the difference on Form 941X as shown.

Column 1 (corrected amount)	-9,600.00
Column 2 (from line 7b of Form 941) -	<u>(6,900.00)</u>
Column 3 (difference)	-2,700.00

Here is how you would enter the numbers on Form 941X.

Column 1 (corrected amount)	Column 2 (from line 7b, Form 941)	Column 3 (difference)
-9,600.00	-6,900.00	-2,700.00

Report “-2,700.00” as your correction in column 4.

In this example, you are claiming a credit for \$2,700 in overreported tax for your 2008 second quarter Form 941. Always enter the same amount in column 4 (including any minus sign) that you enter in column 3.

Be sure to explain the reasons for this correction on line 20.

CAUTION: Do not use line 11 to report corrections to amounts reported on lines 7d and 7e of pre-2009 Forms 941. Instead, file Form 941X to correct the Form 941 quarter that caused the adjustment shown on line 7d or line 7e.

12-14. Special additions to wages for federal income tax, social security tax, and Medicare tax

On lines 12, 13, and 14 enter **only** corrections to wages resulting from reclassifying certain workers as employees or as otherwise directed by IRS personnel.

Unlike other lines on Form 941X, enter in column 1 only the corrected wages related to worker reclassification, **not** the amount paid to ALL employees. Enter previously reported reclassification amounts (if any) in column 2. To get the amount for column 4, use the tax rates provided in the IRS notification document when multiplying the amount in column 3. (You may qualify to use the special rates under section 3509 even if you have not received IRS notification.) The tax correction in column 4 will be a positive number if you increased the amount of wages you previously reported.

TIP: If you misreported an amount on line 7f or 7g on a pre-2009 Form 941, you may adjust the amount using lines 12 through 14 of Form 941X. Be sure to complete all of the columns and provide a detailed explanation on line 20.

15. Subtotal

Combine the amounts on lines 7 through 14 of column 4.

Example:

You entered “1,400.00” in column 4 of line 7, “-500.00” in column 4 of line 8, and “-100.00” in column 4 of line 10. Combine these amounts and enter “800.00” in column 4 of line 15.

Line 7	1,400.00
Line 8	-500.00
Line 10	<u>-100.00</u>
Line 15	800.00

16. Advance earned income credit (EIC) payments made to employees

If you are correcting the advance earned income credit (EIC) payments made to your employees that you reported on line 9 of Form 941, enter the total corrected amount for ALL employees in column 1. In column 2, enter the amount you originally reported or as previously corrected. In column 3, enter the difference between columns 1 and 2. This line does not apply to Form 941-SS.

line 16 (column 1)
-line 16 (column 2)
line 16 (column 3) If the amount in column 2 is larger than the amount in column 1, use a minus sign in column 3.

CAUTION: Copy the amount in column 3 to column 4. However, to properly show the correction as a credit or balance due item, enter a positive number in column 3 as a negative number in column 4 or a negative number in column 3 as a positive number in column 4.

Examples:

If line 16, column 3 shows “560.00,” enter “-560.00” in col. 4.

If line 16, column 3 shows “-990.00,” enter “990.00” in col. 4.

Remember, negative amounts in column 4 represent credits and positive amounts in column 4 represent additional tax.

Example—Advance EIC payments increased

You filed your 2008 fourth quarter Form 941 reporting zero (line left blank) on line 9. On March 10, 2009, you discovered that you forgot to report the \$1,000 in advance EIC payments you made on behalf of John Smith, one of your employees. You made no other EIC payments for your other employees. This is an example of an administrative error. To correct the error, file Form 941X showing the following.

Column 1 (correct amount)	1,000.00
Column 2 (from Form 941, line 9) -	<u>0.00</u>
Column 3 (difference)	1,000.00

Reverse the mathematical sign of the amount in column 3 and enter your correction in column 4.

Column 4 (tax correction)	-1,000.00
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Be sure to explain the reasons for this correction on line 20.

CAUTION: See section 13 of Pub. 15 (Circular E) for more information about administrative errors and corrections during the calendar year. The same rules that apply to withheld federal income taxes also apply to advance earned income credit (EIC) payments made to employees.

17. Total

Combine lines 15 and 16 and enter the result on line 17.

Your credit. If the amount entered on line 17 is less than zero, for example, “-115.00,” you have a credit because you overreported your federal employment taxes.

- If you checked the box on line 1, **include** this amount on line 11 (“Total deposits”) of Form 941 for the quarter during which you filed Form 941X. (If you currently file Form 944 or Form 944-SS because your filing requirement changed, include the credit on line 10.)
- If you checked the box on line 2, you are filing a claim for refund of the amount shown.

If your credit is less than \$1, we will send a refund or apply it only if you ask us in writing to do so.

Amount you owe. You may pay the amount you owe on line 17 electronically using the Electronic Federal Tax Payment System (EFTPS), by credit card, or by a check or money order.

- The preferred method of payment is EFTPS. For more information, visit www.eftps.gov, call EFTPS Customer Service at 1-800-555-4477 toll free, or get Pub. 966, The Secure Way to Pay Your Federal Taxes.
- To pay by credit card, call Link2Gov Corporation (1-888-729-1040) or Official Payments Corporation (1-800-272-9829). Both numbers are toll free. For more information on paying your taxes by credit card, see Pub. 15 (Circular E) or visit the IRS website at www.irs.gov and type “e-pay” in the search box.
- If you pay by check or money order, make it payable to “United States Treasury.” On your check or money order, be sure to write your EIN, “Form 941X,” and the quarter and year corrected.

CAUTION. Do not use a federal tax deposit coupon (Form 8109 or Form 8109-B) to make a payment with Form 941X.

You do not have to pay if the amount you owe is less than \$1.

Previously assessed FTD penalty. If line 17 reflects overreported tax and the IRS previously assessed a failure-to-deposit (FTD) penalty, you may be able to reduce the penalty. For more information, see the Instructions for Schedule B (Form 941).

Part 4: Explain Your Corrections for This Quarter.

18. Reporting offsetting corrections

Check the box on line 18 if you are correcting more than one error on a line on lines 7 through 14 and line 16 and column 3 reflects the difference between a correction that increases tax and another correction that decreases tax. We call these offsetting corrections.

Example:

If you had an increase to social security wages of \$15,000 for employee A and a decrease to social security wages of \$5,000 for employee B, you would enter \$10,000 on line 8, column 3. That \$10,000 represents the net change from offsetting corrections.

On line 20, you must explain the reason for both the \$15,000 increase and the \$5,000 decrease.

19. Did you reclassify any workers?

Check the box on line 19 if you reclassified any workers to be subcontractors or nonemployees. Also check this box if IRS (or you) determined that workers you treated as subcontractors or nonemployees should be classified as employees. On line 20, give us a detailed reason why you reclassified any worker.

Return not filed because of failure to treat individual as employee. If you did not previously file Form 941 because you mistakenly treated an employee as a subcontractor or as a nonemployee, file a Form 941 for each delinquent quarter.

On each Form 941,

- write “Misclassified Employees” in red ink across the top margin of page 1,
- enter a zero on line 10 (“Total taxes after adjustment for advance EIC”),
- complete Part 5 (“Sign here”), and
- attach a completed Form 941X (see instructions below).

On each Form 941X for which you are entitled to use section 3509 rates,

- enter wage amounts in column 1 of line 6,
- report the computed tax amounts in column 1 of lines 12 through 14,
- enter zeros in column 2 of line 6 and on lines 12 through 14, and
- complete columns 3 and 4 as instructed in Part 3.

If you cannot use section 3509 rates, enter wage amounts on lines 6 through 10 as instructed in Part 3. Disregard lines 11 through 14.

20. Explain your corrections.

Treasury regulations require you to explain in detail the grounds and facts relied upon to support each correction. On line 20, describe in detail each correction you entered in column 4 on

lines 7 through 14 and line 16. Attach additional sheets with your name, EIN, quarter, and calendar year shown on the top of each sheet if you need additional space.

You must describe the events that caused the underreported or overreported wages, administrative errors, or payroll errors. Explanations such as “social security and Medicare wages were overstated” or “administrative/payroll errors were discovered” are insufficient and may delay processing your Form 941X because IRS may need to ask for a more complete explanation.

The following is the information we need in your explanation for each error you are correcting.

- Form 941X line number(s) affected
- Date you discovered the error
- Difference (amount of the error)
- Cause of the error

You may report the information in paragraph form. The following paragraph is an example.

“The \$1,000 difference shown in column 3 of lines 6, 8, and 10 was discovered on May 15, 2009 during a payroll audit. By mistake, we issued checks to a former worker after termination. This correction removes the reported wages that were never paid.”

For corrections shown on lines 12 through 14, explain why the correction was necessary and attach any notice you received from the IRS.

If you need more space, attach additional sheets, but be sure to write your name, EIN, and tax period (quarter and calendar year) on the top of each sheet.

Part 5. Sign here

You must complete all three pages of Form 941X and sign it. If you do not sign, processing of Form 941X will be delayed.

Who must sign the Form 941X? Form 941X must be signed by one of the following:

- **Sole proprietorship**—The individual who owns the business.
- **Corporation (including an LLC treated as a corporation)**—The president, vice president, or other principal officer.
- **Partnership (including an LLC treated as a partnership) or unincorporated organization**—A responsible and duly authorized member or officer having knowledge of its affairs.
- **Single member limited liability company (LLC) treated as a disregarded entity**—The owner of the limited liability company (LLC).
- **Trust or estate**—The fiduciary.

A duly authorized agent of the taxpayer may also sign Form 941X if a valid power of attorney has been filed.

Alternative signature method. Corporate officers or duly authorized agents may sign Form 941X by rubber stamp, mechanical device, or computer software program. For details

and required documentation, see Rev. Proc. 2005-39. You can find Rev. Proc. 2005-39 on page 82 of Internal Revenue Bulletin 2005-38 at www.irs.gov/pub/irs-irbs/irb05-28.pdf.

Paid Preparer's Use Only

You must complete this section if you were paid to prepare Form 941X and are not an employee of the filing entity. Sign in the space provided. Give the employer the return to file with the IRS and include a copy of the return for the employer's records.

If you are a paid preparer, write your SSN or your Preparer Tax Identification Number (PTIN) in the space provided. Include your complete address. If you work for a firm, write the firm's name and the EIN of the firm. You can apply for a PTIN using Form W-7P, Application for Preparer Tax Identification Number. You cannot use your PTIN in place of the EIN of the tax preparation firm.

Do not complete this section if you are filing the return as a reporting agent and have a valid Form 8655, Reporting Agent Authorization, on file with the IRS.

How Can You Order Forms and Publications from the IRS?

TELEPHONE: Call the IRS at 1-800-829-3676

COMPUTER: Visit the IRS website at www.irs.gov.

Additional Information

You may find the following products helpful when using Form 941X.

- Form W-2, Wage and Tax Statement
- Form W-3, Transmittal of Wage and Tax Statements
- Instructions for Forms W-2 and W-3
- Form W-2AS, American Samoa Wage and Tax Statement
- Form W-2CM, Wage and Tax Statement (Northern Mariana Islands)
- Form W-2GU, Guam Wage and Tax Statement
- Form W-2VI, U.S. Virgin Islands Wage and Tax Statement
- Form W-3SS, Transmittal of Wage and Tax Statements
- Instructions for Forms W-2AS, W-2GU, W-2VI, and Form W-3SS
- Form W-2c, Corrected Wage and Tax Statement
- Form W-3c, Transmittal of Corrected Wage and Tax Statements
- Instructions for Forms W-2c and W-3c
- Instructions for Form 843
- Instructions for Form 941
- Instructions for Schedule B (Form 941)
- Instructions for Form 941-SS
- Pub. 15 (Circular E), Employer's Tax Guide
- Pub. 80 (Circular SS), Federal Tax Guide for Employers in the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands
- Pub. 966, The Secure Way to Pay Your Federal Taxes

Privacy Act and Paperwork Reduction Act Notice

We ask for the information on Form 941X to carry out the Internal Revenue laws of the United States. We need it to figure and collect the right amount of tax. Subtitle C, Employment Taxes, of the Internal Revenue Code imposes employment taxes on wages, including income tax withholding. This form is used to determine the amount of the taxes that you owe. Section 6011 requires you to provide the requested information if the tax is applicable to you. Section 6109 requires you to provide your employer identification number (EIN). If you fail to provide this information in a timely manner, you may be subject to penalties and interest.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books and records relating to a form or instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law.

Generally, tax returns and return information are confidential, as required by section 6103. However, section 6103 allows or requires the IRS to disclose or give the information shown on your tax return to others as described in the Code. For example, we may disclose your tax information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

The time needed to complete and file Form 941X will vary depending on individual circumstances. The estimated average time is:

Recordkeeping.....	X hr., X min.
Learning about the law or the form.....	X hr., X min.
Preparing the form.....	X hr., X min.
Copying, assembling, and sending the form to the IRS	X hr., X min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 941X simpler, we would be happy to hear from you. You can write to: Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224.

Do not send Form 941X to this address. Instead, see *Where Should You File Form 941X?* on page 3.